

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF ALABAMA, EASTERN DIVISION**

VFS LEASING CO.

Plaintiff,

vs.

G.F. KELLY, INC. d/b/a KELLY  
TRUCKING; and GUY KELLY,

Defendants

CIVIL ACTION NO.  
3:06cv638-SRW

**MOTION TO CONTINUE SUMMARY JUDGMENT PROCEEDINGS**

**COMES NOW the Plaintiff**, VFS Leasing Co., and moves the Court to continue the summary judgment proceedings and extend the briefing schedule for its summary judgment motion. In support of this motion to continue, Plaintiff states as follows:

1. On February 22, 2007 this Court granted Plaintiff additional time to file its reply brief so that Plaintiff could depose Defendants' newly named experts and offer its own rebuttal experts. The parties have worked together to schedule the depositions. Unfortunately, considering the schedules of the deponents and counsel, the only feasible date for the depositions is March 30, 2007.

2. Plaintiff currently must file its reply brief on or before April 12, 2007. To enable Plaintiff to obtain the deposition transcript, offer its

rebuttal experts, and prepare and file the reply brief, Plaintiff requests that this Court extend the reply brief deadline to April 30, 2007.

3. Continuing the summary judgment proceedings will permit this Court to fully consider the opinions of the parties' experts, and the bases for those opinions, in rendering its opinion on summary judgment.

4. Therefore, Plaintiff requests that this Court continue the summary judgment proceedings until April 30, 2007.

5. Defendants' counsel consents to this Motion.

6. Postponing the submission of Plaintiff's reply brief will not otherwise impact this Court's Scheduling Order.

WHEREFORE, Plaintiff requests that this Court continue the summary judgment proceedings and permit Plaintiff to submit its reply brief on or before April 30, 2007.

Respectfully submitted this 29th day of March, 2007.

s/ David B. Hall  
DAVID B. HALL (HAL052)

Attorneys for Plaintiff VFS Leasing  
Co.

OF COUNSEL:

BAKER DONELSON, BEARMAN  
CALDWELL & BERKOWITZ  
A Professional Corporation  
420 North 20th Street  
Suite 1600 Wachovia Tower  
Birmingham, Alabama 35203-5202  
(205) 328-0480

CERTIFICATE OF SERVICE

I hereby certify that on this the 29th day of March, 2007, the foregoing has been electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing, to the following counsel of record:

James H. Starnes  
Attorney for Defendants  
PO Box 590003  
Birmingham, AL 35259  
(205) 320-0800

S. Sanford Holliday  
Attorney for Defendants  
PO Box 727  
Roanoke, AL 36274  
(334) 863-2717

s/ David B. Hall  
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**OF COUNSEL**